

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD PERALTA, Inmate at the )  
Platte County Detention Facility, et )  
al., )

4:08CV3268

Petitioners, )

**MEMORANDUM  
AND ORDER**

v. )

IMMIGRATION AND CUSTOMS )  
ENFORCEMENT IMMIGRATION )  
NATIONAL SECURITY, )

Respondent. )

This matter is before the court on its own motion. The above-captioned matter has been provisionally filed on December 31, 2008. (Filing No. [1](#).) However, due to certain technical defects, the Petition cannot be further processed until such defects are corrected. To assure further consideration of the Petition, Petitioners must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Petitioners have failed to include the \$5.00 filing fee. Petitioners have the choice of either tendering the \$5.00 fee to the Clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. If Petitioners choose to do the latter, the enclosed pauper's forms should be completed and returned to this court. **Each Petitioner must submit the \$5.00 filing fee or a request to proceed in forma pauperis.**

IT IS THEREFORE ORDERED that:

1. Petitioners are directed to correct the above-listed technical defect in the

Petition on or before February 17, 2009.

2. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice as to each Petitioner who fails to comply.

3. The Clerk of the court send to Petitioners 10 copies of the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

January 15, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge